

1 The Honorable Mary K. Dimke
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12 UNITED STATES DISTRICT COURT FOR THE
13 WESTERN DISTRICT OF WASHINGTON
14

15 ANDREI JOHNSON, a single person,
16

17 Plaintiff,

18 v.
19

20 CITY OF SPOKANE POLICE
21 DEPARTMENT, CHIEF CRAIG MEIDL,
22 NATE SPIERING, and TODD BELITZ,
23 each in their personal and representative
24 capacities. ,

25 Defendants.
26

27 No. 2:25-cv-00085-MKD

28 DEFENDANTS' ANSWER TO
29 COMPLAINT AND AFFIRMATIVE
30 DEFENSES

31 **JURY DEMAND**

32 Defendants CITY OF SPOKANE POLICE DEPARTMENT, CHIEF CRAIG
33 MEIDL, NATE SPIERING, AND TODD BELITZ, EACH IN THEIR PERSONAL AND
34 REPRESENTATIVE CAPACITIES, in answer to ANDREI JOHNSON's Complaint,
35 admit, deny, and allege as follows:

36 **I. INTRODUCTION**

37 Defendants deny the allegations contained in these paragraphs (1.1 – 1.7).

38 **II. PARTIES**

39 2.1 Defendants are without knowledge sufficient to form a belief as to the truth
40 of the allegations contained in this paragraph and, therefore, deny the same.

41 2.2 Defendant deny that the City of Spokane Police Department is a proper party
42 to this lawsuit but admit the allegations contained in his paragraph.

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45 AFFIRMATIVE DEFENSES - 1
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47 1053-00020/743886

48 KEATING, BUCKLIN & McCORMACK, INC., P.S.
49 ATTORNEYS AT LAW
50 1201 THIRD AVENUE, SUITE 1580
51 SEATTLE, WA 98101
52 PHONE: (206) 623-8861
53 FAX: (206) 223-9423

2.3 Defendants admit the allegations contained in this paragraph.

2.4 Defendants admit the allegations contained in this paragraph.

2.5 Defendants admit the allegations contained in this paragraph.

2.6 Defendants deny the allegations contained in this paragraph.

III. JURISDICTION

3.1 Defendants admit that the District Court before which this matter is pending is the proper venue and has personal jurisdiction over those Defendants which are capable of being sued; the remainder of this paragraph is denied.

3.2 Defendants admit that the Court before which this matter is pending is the proper venue and has personal jurisdiction over those Defendants which are capable of being sued; the remainder of this paragraph is denied.

3.3 Defendants admit the allegations contained in his paragraph.

IV. FACTS

4.1 Defendants admit that Ms. Klieber called 911 and deny the remaining allegations contained in this paragraph.

4.2 Defendants deny the allegations contained in this paragraph.

4.3 Defendants deny the allegations contained in this paragraph.

4.4 Defendants admit that the responding officers attempted de-escalation and deny the remaining allegations contained in this paragraph.

4.5 Defendants admit that Mr. Johnson stabbed himself in the neck and deny the remaining allegations contained in his paragraph.

4.6 Defendants admit that the responding officers used less lethal force and deny the remaining allegations contained in his paragraph.

4.7 Defendants admit that the responding officers used less lethal force, including a 40 mm “blue nose” rounds and TASER, and deny the remaining allegations contained in his paragraph.

4.8 Defendants admit that Mr. Johnson experienced temporary neuromuscular
DEFENDANTS' ANSWER TO COMPLAINT AND
AFFIRMATIVE DEFENSES - 2

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ATTORNEYS AT LAW

1 incapacitation and deny the remaining allegations contained in his paragraph.

2 4.9 Defendants deny the allegations contained in this paragraph.

3 4.10 Defendants deny the allegations contained in this paragraph.

4 4.11 Defendants deny the allegations contained in this paragraph.

5 4.12 Defendants deny the allegations contained in this paragraph.

6 4.13 Defendants deny the allegations contained in this paragraph.

7 4.14 Defendants deny the allegations contained in this paragraph.

8 4.15 Defendants are without knowledge sufficient to form a belief as to the truth
9 of the allegations contained in this paragraph and, therefore, deny the same.

10 4.16 Defendants deny the allegations contained in this paragraph.

11 V. JURY DEMAND

12 Defendants join in Plaintiff's Jury Demand.

13 VI. CAUSES OF ACTION

14 6.1 Defendants admit the allegations contained in this paragraph.

15 6.2 Defendants deny the allegations contained in this paragraph as legal
16 conclusions.

17 6.3 Defendants deny the allegations contained in this paragraph, including (a)
18 and (b).

19 6.4 Defendants deny the allegations contained in this paragraph.

20 6.5 Defendants deny the allegations contained in this paragraph.

21 6.6 Defendants deny the allegations contained in this paragraph.

22 6.7 Defendants deny the allegations contained in this paragraph.

23 6.8 Defendants deny the allegations contained in this paragraph.

24 6.9 Defendants admit the allegations contained in this paragraph.

25 6.10 Defendants deny the allegations contained in this paragraph, including (a),
26 (b), (c), (d), and (e).

27 6.11 Defendants deny the allegations contained in this paragraph as legal

DEFENDANTS' ANSWER TO COMPLAINT AND
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1 conclusions, including (a), (b), (c), (d), and (e).

2 6.12 Defendants deny the allegations contained in this paragraph, including (a),
3 (b), (c), (d), and (e).

4 6.13 Defendants deny the allegations contained in this paragraph.

5 6.14 Defendants deny the allegations contained in this paragraph.

6 6.15 Defendants deny the allegations contained in this paragraph.

7 6.16 Defendants deny the allegations contained in this paragraph.

8 6.17 Defendants admit the allegations contained in this paragraph.

9 6.18 Defendants deny the allegations contained in this paragraph as legal
10 conclusions.

11 6.19 Defendants deny the allegations contained in this paragraph.

12 6.20 Defendants deny the allegations contained in this paragraph, including (a),
13 (b), and (c).

14 6.21 Defendants deny the allegations contained in this paragraph.

15 6.22 Defendants deny the allegations contained in this paragraph.

16 6.23 Defendants deny the allegations contained in this paragraph.

17 6.24 Defendants deny the allegations contained in this paragraph.

18 6.25 Defendants deny the allegations contained in this paragraph.

19 6.26 Defendants deny the allegations contained in this paragraph.

20 6.27 Defendants admit the involved officers were acting as agents of the City of
21 Spokane and deny the remaining allegations contained in this paragraph.

22 6.28 Defendants deny the allegations contained in this paragraph.

23 6.29 Defendants deny the allegations contained in this paragraph.

24 6.30 Defendants deny the allegations contained in this paragraph.

25 6.31 Defendants deny the allegations contained in this paragraph.

26 6.32 Defendants deny the allegations contained in this paragraph.

27 6.33 Defendants deny the allegations contained in this paragraph.

1 6.34 Defendants deny the allegations contained in this paragraph.

2 6.35 Defendants deny the allegations contained in this paragraph.

3 6.36 Defendants deny the allegations contained in this paragraph.

4 6.37 Defendants deny the allegations contained in this paragraph.

5 6.38 Defendants deny the allegations contained in this paragraph as legal
6 conclusions.

7 6.39 Defendants deny the allegations contained in this paragraph, including (a),
8 (b), (c), and (d).

9 6.40 Defendants deny the allegations contained in this paragraph, including (a),
10 (b), (c), and (d).

11 6.41 Defendants deny the allegations contained in this paragraph.

12 6.42 Defendants deny the allegations contained in this paragraph.

13 6.43 Defendants deny the allegations contained in this paragraph.

14 6.44 Defendants deny the allegations contained in this paragraph.

15 6.45 Defendants deny the allegations contained in this paragraph.

16 6.46 Defendants deny the allegations contained in this paragraph.

17 6.47 Defendants deny the allegations contained in this paragraph.

18 6.48 Defendants deny the allegations contained in this paragraph.

19 6.49 Defendants deny the allegations contained in this paragraph.

20 6.50 Defendants admit the allegations contained in this paragraph.

21 6.51 Defendants deny the allegations contained in this paragraph as legal
22 conclusions.

23 6.52 Defendants admit the Defendants were acting within the course and scope of
24 their employment and deny the remaining allegations contained in this paragraph as legal
25 conclusions.

26 6.53 Defendants deny the allegations contained in this paragraph.

27 6.54 Defendants deny the allegations contained in this paragraph as legal

1 conclusions.

2 **VII. DAMAGES**

3 7.1 Defendants deny the allegations contained in this paragraph.

4 **VIII. AFFIRMATIVE DEFENSES**

5 BY WAY OF FURTHER ANSWER and AFFIRMATIVE DEFENSE, Defendants
6 state and allege as follows:

7 1. **INTOXICATION:** That the injuries and damages, if any, claimed by the
8 Plaintiff were proximately caused or contributed to by the fault of Plaintiff's intoxication.

9 2. **FELONY:** That the injuries and damages, if any, claimed by the Plaintiff
10 were proximately caused or contributed to by the fault of Plaintiff's commission of a
11 felony.

12 3. **CONTRIBUTORY FAULT:** That the injuries and damages, if any,
13 claimed by the Plaintiff were proximately caused or contributed to by Plaintiff's
14 negligence.

15 4. **QUALIFIED IMMUNITY:** Defendants contend that Plaintiff's claims are
16 barred by the doctrine of qualified immunity.

17 5. **CAPACITY:** The City of Spokane Police Department is not a suable entity
18 (i.e., is not legally capable of being sued). The proper municipal defendant, if any, would be
19 the City of Spokane.

20 6. **UNDUE HARDSHIP:** That accommodation would have imposed an undue
21 hardship on operation of Defendants' business.

22 7. **DIRECT THREAT:** That failure to enforce standards and qualifications
23 would have posed a direct and immediate threat to the safety of Defendants and others that
24 could not be reduced or eliminated by reasonable accommodation.

25 **IX. DEFENDANT'S PRAYER FOR RELIEF**

26 WHEREFORE, Defendants CITY OF SPOKANE POLICE DEPARTMENT,

27 DEFENDANTS' ANSWER TO COMPLAINT AND
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1 CHIEF CRAIG MEIDL, NATE SPIERING, AND TODD BELITZ pray for the following
2 relief:

3 1. That Plaintiff's complaint be dismissed with prejudice, and that Plaintiff take
4 nothing by his complaint;

5 2. That Defendants be allowed their statutory costs and reasonable attorney
6 fees incurred herein; and

7 3. For such additional relief the Court may deem just and equitable.

8 **X. JURY TRIAL DEMANDED**

9 The Defendants respectfully demand their right to a trial by jury in this matter.

10
11 DATED this 28th day of March, 2025.

12
13 KEATING, BUCKLIN & McCORMACK, INC., P.S.

14
15 By: /s/ Brian C. Augenthaler
16 Brian C. Augenthaler, WSBA #44022
17 *Attorneys for Defendants City of Spokane Police
Department, Meidl, Spiering, and Belitz*

18 1201 Third Avenue, Suite 1580
19 Seattle, WA 98101
Phone: (206) 623-8861
Fax: (206) 223-9423
Email: baugenthaler@kbmlawyers.com

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on March 28, 2025, I electronically filed the foregoing with the
 3 Clerk of the Court using the CM/ECF system which will send notification of such filing to
 4 the following:

5 **Attorneys for Plaintiff**

6 Marcus Sweets, WSBA No. 52895
 7 Isaiah T. Peterson, WSBA No. 49794
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 Spokane, WA 99201
 9 MSweetser@SweetserLawOffice.com
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asmith@sweetserlawoffice.com

12 and I hereby certify that I have mailed by United States Postal Service the document to the
 13 following non CM/ECF participants: N/A

14
 15 DATED: March 28, 2025

16
 17 */s/ Lindsey E. Martin*
 18 Lindsey E. Martin, Legal Assistant